

Filed for intro on 02/02/95
House Bill _____
By _____

Senate No. SB1145
By Haun

AN ACT to amend Tennessee Code Annotated, Title 38, Chapter 6, Part 1 and Title 40, Chapter 35, Part 3, relative to the collection and preservation of certain biological specimens for deoxyribonucleic acid analysis.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 38-6-113, is amended by deleting from subsection (b) the citations “§ 39-13-505 or § 39-15-302” and substituting instead the language “§ 39-13-505, § 39-13-522, § 39-15-302 or any other section during the violation or attempted violation of which the person used a firearm”.

SECTION 2. Tennessee Code Annotated, Section 40-35-321, is amended by deleting the first sentence of subsection (b) and substituting instead the following:

When a court sentences a person convicted of violating or attempting to violate § 39-13-502, § 39-13-503, § 39-13-504, § 39-13-505, § 39-13-522, § 39-15-302 or any other section during the violation or attempted violation of which the person used a firearm, or when a juvenile court adjudicates a person to be a delinquent child for violating or attempting to violate § 39-13-502, § 39-13-503, § 39-13-504, § 39-13-505, § 39-13-522, § 39-15-302, or any other section during the violation or attempted violation

of which the person used a firearm, it shall order the person to provide a biological specimen for the purpose of DNA analysis as defined in subsection (a).

SECTION 3. Tennessee Code Annotated, Section 40-35-321, is further amended by deleting the first sentence of subsection (c) and substituting instead the following:

If a person convicted of violating or attempting to violate § 39-13-502, § 39-13-503, § 39-13-504, § 39-13-505, § 39-13-522, § 39-15-302 or any other section during the violation or attempted violation of which the person used a firearm, and committed to the custody of the commissioner of correction for a term of imprisonment, has not provided a biological specimen for the purpose of DNA analysis as defined in subsection (a), the commissioner or the chief administrative officer of a local jail shall order the person to provide a biological specimen for the purpose of DNA analysis before completion of the person's term of imprisonment.

SECTION 4. This act shall take effect July 1, 1995, the public welfare requiring it.

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